



County of Los Angeles

CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

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July 7, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

STATE LEGISLATIVE UPDATE

Pursuit of County Position on Legislation

AB 946 (Berg), as amended on June 2, 2003, would repeal the requirement that a city or county authorize its needle exchange program through a declaration of a local emergency. It would authorize clean needle and syringe exchange programs upon the action of a county board of supervisors, and the local health officer or health commission, or upon the action of a city council, the mayor, and the local health officer. AB 946 would require the needle exchange program to be part of a network of comprehensive services to combat the spread of HIV and hepatitis, subject to the availability of funding.

The State Department of Health Services reported in 2002 that there is conclusive scientific evidence that syringe exchange programs, as part of comprehensive HIV prevention strategies, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs. The Health Officers Association of California and other proponents of AB 946 contend that permanent needle exchange programs would facilitate the use of this effective prevention method on a wider basis across the State.

Each Supervisor
July 8, 2003
Page 2

The County Department of Health Services recommends that the County support AB 946 because it will significantly increase the ability of public health organizations to control the spread of deadly blood-borne diseases such as AIDS and hepatitis C, and we concur. Consistent with County support for AB 136 (Mazzoni) in 1999, which authorized needle exchange programs, **our Sacramento advocates will support AB 946.**

AB 946 is sponsored by the Health Officers Association of California and supported by AIDS Project Los Angeles, the American Civil Liberties Union, California National Organization for Women, California Nurses Association, California Primary Care Association, Alcohol and Drug Program Administrators Association of California, County Health Executives Association of California, Planned Parenthood Affiliates of California, the City and County of San Francisco, and the Counties of Humboldt, Marin, Santa Clara, and Santa Cruz. There is no registered opposition. AB 946 passed the Senate Health and Human Services Committee on July 2, 2003 on a vote of 8 to 2, and now awaits consideration on the Senate Floor.

SB 440 (Burton), as amended on July 2, 2003, would provide that if certain public safety employee organizations request binding arbitration on economic issues when they are at impasse with an employing local government, the decision of the arbitrator is final, unless it is overturned by the unanimous decision of the local governing body.

In 2000, the Governor signed SB 402 (Burton), which provided that in an impasse between an employing local government and representatives of specified public safety employees, the employee organization may request binding arbitration. SB 402 also provided that the decision of the arbitrator on economic issues was binding on all parties. The County opposed SB 402 because it would interfere with local control of the collective bargaining process. On April 21, 2003, the California Supreme Court in the County of Riverside v. Superior Court held that SB 402 was unconstitutional because it interfered with the authority of local government over compensation issues and amounted to an unconstitutional delegation of authority to a private person.

Opposition to SB 440 is consistent with the Board's opposition to SB 402. SB 440, like SB 402, also transfers compensation decisions away from those who are accountable to the voters to outside arbitrators who are accountable to no one. It would also require a unanimous vote of a local governing body to overturn the results of binding arbitration. **Therefore, our Sacramento advocates will oppose SB 440**, which is currently in the Assembly Committee on Public Employees, Retirement and Social Security, with a hearing set for July 9, 2003. Support and opposition to the bill as amended are unavailable at this time.

Each Supervisor
July 8, 2003
Page 3

We will continue to keep you informed.

DEJ:GK
MAL:DdN:

c: Executive Officer, Board of Supervisors
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 Legislative Strategist
 Coalition of County Unions
 California Contract Cities Association
 Independent Cities Association
 League of California Cities
 City Managers Associations